REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-3, 5, 7-8 and 10 are pending in the application. Claims 1, 3, 5, 8 and 10 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.[1] No new matter is presented.

In the outstanding Official Action, The title of the invention was objected to; and Claims 1-3, 5, 7, 8 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,366,736 to Nonaka.

In response to the objection to the title, the title is amended herein to recite "Autofocus System for an Image Capturing Apparatus." The title, as amended, is clearly indicative of the invention to which the claims are directed.

Accordingly, Applicant respectfully requests that the objection to the title be withdrawn.

Claims 1-3, 5, 7, 8 and 10 were rejected under 35 U.S.C. § 102(e) as anticipated by Nonaka. In response to this rejection, Applicant respectfully submits that amended independent Claim 1 recites novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 1 relates to an image capturing apparatus capable of carrying out an auto focus (AF) operation, which appropriately acquires accuracy according to a distance to a subject or a distance to each area of the subject. Specifically, amended independent Claim 1 recites, in part, an image capturing apparatus, comprising:

> ...a ranging device configured to measure a subject
> distance to said subject;
> *a first auto focusing device which is a charged*
> *coupled device auto focus (CCDAF) configured to obtain and*

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[1] e.g., specification, p. 18, line 9-p. 19, line 15; and p. 17, line 11-p. 18, line 8.

> *evaluate sequentially an image signal according to each*
> *focusing condition changed by relatively moving at least one*
> *of a part or an entire of said photographic optical system and*
> *said imaging device, thereby obtaining a predetermined*
> *focusing condition based on an evaluation result on said*
> *image signal;*
>
>> a second auto focusing device which is an AF including
>> the ranging device configured to obtain a focusing condition
>> according to said subject distance obtained by said ranging
>> device; and
>>
>> a controlling device for controlling an operation of said
>> first auto focusing device,
>>
>> wherein said controlling device is configured to switch
>> between said first auto focusing device and said second auto
>> focusing device according to said subject distance obtained by
>> said ranging device.

Support for the amended "first auto focusing" feature and "second auto focusing"

feature can be found at least a pp. 16-19 of the originally filed specification.

Turning to the applied reference, Nonaka describes a distance measuring apparatus for

a camera capable of deciding priority between a plurality of AF types under various shooting

conditions. Nonaka's device uses two types of AFs: an active type AF whereby a distance to

the subject is measured based on a signal generated by reception of reflected signal light from

a subject, and passive type AF whereby a distance to the subject is measured using a light

reception signal.[2]

Nonaka, however, fails to teach or suggest "a first auto focusing device which is a

charged coupled device auto focus (CCDAF) configured to obtain and evaluate sequentially

an image signal according to each focusing condition changed by relatively moving at least

one of a part or an entire of said photographic optical system and said imaging device,

thereby obtaining a predetermined focusing condition based on an evaluation result on said

image signal," as recited in amended independent Claim 1.

Nonaka, instead, describes that the distance measuring apparatus changes the distance

measuring methods in accordance with the zooming position of the taking lens (13), namely

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[2] Nonaka, Abstract.

information of the focal distance or the angle of field thereof, obtained by using the zooming

detecting part (14).[3] Accordingly either the passive-type AF or the active-type AF is

selected.

In the passive AF described by <u>Nonaka</u>, an amount of relative displacement between

the signals of the subject image detected by two sensor arrays is obtained, and areas of an

image are selected to be used for a distance measurement.[4] Thus, the passive system of

<u>Nonaka</u> uses various points of a detected image to perform a distance measurement, but does

not change a focusing condition to evaluate an image signal, as recited in amended

independent Claim 1.

Thus, <u>Nakano</u> fails to teach or suggest sequentially obtaining and evaluating an image

signal *according to each focusing condition changed by relatively moving at least one of a*

part or an entire of said photographic optical system and said imaging device, thereby

obtaining a predetermined focusing condition based on an evaluation result on said image

signal, as recited in amended independent Claim 1.

Accordingly, Applicant respectfully requests that the rejection of independent Claim

1, and the claims that depend therefrom, under 35 U.S.C. § 102(e) be withdrawn.

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[3] <u>Id.</u>, col. 6, lines 39-45.
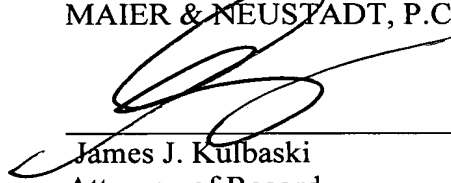[4] <u>Id.</u>, col. 7, line 65-col. 7, line 29.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3, 5, 7-8 and 10 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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